

Election # 17  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 20 2002

GROUP 3600

APPLICANT: SAM F. LIPRIE )  
SERIAL NUMBER: 09/681,303 )  
FILED: March 15, 2001 )  
FOR: FLEXIBLE SOURCE WIRE FOR )  
RADIATION TREATMENT OF )  
DISEASES )

) Group Art Unit:  
3641  
Before the Examiner:  
Jack Keith

Official

ELECTION WITH TRAVERSE

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Responsive to the Office Action dated May 20, 2002, Applicant provisionally elects titanium as a material suitable as an encapsulation material or as a material for a thin-walled capsule. However, the Applicant traverses the election requirement for the same reasons as set out in the Applicant's Response dated March 18, 2002, Paper No. 9, the entire contents of which are herein specifically incorporated by reference.

The Examiner also asks that the Applicant justify the differentiation between an encapsulated core and a core provided within a thin-walled capsule. The Applicant notes that the two terms describing exemplary embodiments are used in certain alternative

I certify that this correspondence is being transmitted via Facsimile to the Commissioner of Patents and Trademarks, Washington, D.C. at Facsimile No. (703) 872-9326, 1C Group 3600, Art Unit 3641 on March 18, 2002.	
June 20, 2002 (Date of Transmittal)	
Jessica Tarobucci Name of person transmitting paper	
Jessica Tarobucci Signature	June 20, 2002 Date

statements in the Applicant's specification, the idea being to define distinct examples of embodiments of different scope to prevent unscrupulous copying by a third party. The Examiner admits to recognizing the differences in scope between the two terms. Further, in the Examiner's Election Requirement, the Examiner asked the Applicant to elect between species including cores that are encapsulated by an encapsulating material and cores that are provided within a thin-walled capsule.

The Applicant has a complete right to refer to terms of varying scope, and those terms enjoy the full range of meanings that may be attributable to them by those skilled in the art. If the Examiner is instead asking whether the same material (e.g., a titanium material) may be used either in an encapsulation process or to fabricate a thin walled capsule, then the Applicants state that the same material may, of course, be used.

As before, the Applicant believes that the Applicant has complied in every way possible. If the Examiner maintains that more is required, the Applicant again respectfully requests a telephone conference so that prosecution may move forward.

Finally, the Applicant would like to thank Examiner Charles Jordan for reviewing Paper No. 10 and clarifying that the shortened statutory term for reply is one month, the one month shortened statutory due date falling on June 20, 2002. Accordingly, no extensions are required and no fees are due with this response.

The applicant respectfully requests reconsideration and examination on the merits. If there are any charges with respect to this submission or otherwise, please charge them to Deposit Account No. 06-1130, maintained by the Applicant's attorneys.

Respectfully Submitted,  
SAM F. LIPRIE

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